

Remarks

Applicants request that Amendment B filed by facsimile on November 2, 2005, not be entered. Instead, applicants rely upon the present Amendment C for continued prosecution of claims covering their invention.

The amendment of claim 1 and new claim 21 are supported by at least Figures 1, 5, and 11 of the drawings which show that the liquid control trough 20 does not contain any openings. Amended claim 10 is supported by Figure 5, showing the drip lip 32 spaced upwardly of the channel cover 14. Amended claim 14 and new claim 21 are supported by paragraph 35 of the specification and Figures 4 and 5. The present amendment introduces no "new matter" into the claims.

Amended claim 1 and new claim 21 distinguish applicants' invention from Pool U.S. Patent 4,240,568 because the straining element 167 described in Pool's Figure 16 and in cols. 8 and 9 is formed with multiple openings. Pool's specification describes the straining element as having a "foraminous" section 168 (col. 8, line 60). In addition, Pool's straining element 167 extends horizontally as shown in Figure 17 rather than vertically as required in applicants' claims. The exploded view shown in Figure 16 is inoperative because the straining element 167 is detached from the remainder of the pouring spout 122. It would not be "obvious" to change straining element 167 from the horizontal position shown in Figure 16 to the vertical position shown in Figure 17 because the latter position is inoperative. It would not be "obvious" to modify Pool's straining element to be imperforate as required in amended claim 1 and in new claim 21 because such modification would destroy Pool's intended function of "removing solid masses and other contaminants from the liquid ... during pouring" (col. 8, lines 56-58).

Balson U.S. 5,161,689 discloses a rim seal for use with containers for paint having an upstanding rim at one end and a groove located radially inwardly of the rim. The rim seal is provided with a series of circumferentially spaced inwardly directed ramps 48 of generally oval shaped configuration which define pouring spouts directing a stream of paint, as described at col. 8, lines 14-22 and as shown in Figures 12 and 13.

Neither Pool nor Balson discloses a vertical liquid control trough extending upwardly of a channel cover, as described in amended claim 1. The vertical orientation of applicants' liquid control trough enables it to be inverted into a downwardly extending

stored position as shown in Figures 6-10 and described in paragraph 38 of the specification. Such inverted placement is not possible with Pool's pouring lip or with Balson's oval ramps in a rim seal. Applicant's invention of a liquid control trough in an inverted stored position did not occur to either Pool or Balson. Accordingly the invention of claims 1-3 and 5-21 is not rendered "obvious" by any valid combination of Pool with Balson.

Nichols U.S. Patent 2,873,881 discloses a rim protector attachment for cans containing paint or other liquids. The attachment 12 includes a circular wall 13 having an inner bore sized for sleeving over a container side wall. A top wall 18 extends inwardly and downwardly from the cylindrical wall 13. The top wall 18 ends in a downwardly extending inner wall 21 and circumferentially spaced lugs 26. Nichols downwardly and inwardly slanted top wall 18 is inconsistent with the requirement in amended claim 1 and new claim 21 of a horizontally extending channel cover for covering the rim channel.

Amended claim 10 further distinguish the present invention from Nichols by requiring that the pour spout comprise a drip lip extending exteriorly of the convex exterior surface of the pour spout. The circular wall 13 of Nichols' rim protector attachment has uniform thickness between the upper and lower ends 19, 20. Amended claim 10 also distinguishes the claimed invention from Pool by requiring that the drip lip extend exteriorly from the pour spout, upwardly of the channel cover. The Office Action relied upon Pool's pouring lip 124 which is formed as an outward extension of the rim 119 as shown in Figure 14. Pool does not suggest spacing his pouring lip 124 upwardly of his rim 119.

The Office Action rejected claims 12-14 as unpatentable over Pool in view of Balson and in further view of Mueller, Jr. U.S. 4,811,865. Mueller discloses a container 1 provided with an upstanding threaded flange 2 bordering an outlet 3 in a molded plastic cap 7. In the stored position shown in Figure 2 a spout 13 extends downwardly of the outlet 3, interiorly of the container side wall 1. In the position shown in Figure 4 the spout 13 extends upwardly of the cap 7.

Claim 12 requires a liquid control trough extending adjacent to an exterior of the container body. As discussed above, when Mueller's spout is inverted for storage as shown in Fig. 2, the spout extends inwardly of the can. Neither Pool nor Balson suggests inverting a liquid control trough to extend exteriorly of a container body as required in claim 12. Accordingly, amended claim 12 clearly distinguishes applicant's invention from Mueller, considered singly or combination with Pool and Balson.

Amended claim 14 and new independent claim 21 further limit the invention by requiring a horizontal stacking spacer having greater thickness than the channel cover. Such limitation distinguishes the present invention from any valid combination of Pool with Balson and Mueller U.S. 5,161,689. Mueller describes his ledge 40 as a "radially outwardly directed slightly downwardly slanted" structure at col. 3, lines 59-60. In addition, Mueller's slanted ledge 40 has no different thickness than other portions of his rim seal 10 as shown in Figures 2, 4, 6, and 8. Nichols' top wall 18 has uniform thickness between the cylindrical wall 13 and the lugs 26. The invention of claims 14 and 21 is clearly allowable over the prior art.

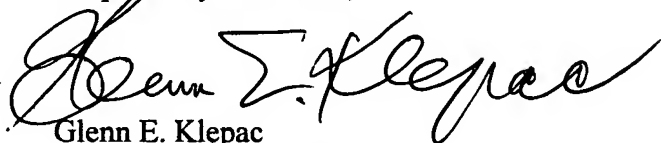
Claims 17-19 were rejected under 35 U.S.C. 103(a) as unpatentable over Pool in view of Balson and in further view of Holben U.S. 4,784,260. Holben discloses an article carrier designed for carrying motor oil containers. The carrier is provided with loops which are releasably secured to upper ends of the containers, webbing interconnecting the loops, and a single spout extending between the containers and the loops to serve as a handle for the carrier. In an alternative embodiment discussed at col. 5, lines 7-12, the article carrier can be of a one-piece molded construction and the webbing can be molded in one piece and bonded or mechanically joined to the nozzle to form a unitary assembly. Holben fails to disclose an article carrier comprising a plurality of pour spouts attached to adjacent pour spouts by a connector integrally formed with the pour spouts as required in applicants' claim 17. The invention of claims 17 and dependent claims 18-20 is allowable over Holben, considered alone or in combination with Pool and Balson. It would not be "obvious" to modify Holben's article carrier as suggested in the Office Action because Holben's patent claims all require "releasable securing means releasably secured to upper ends of the containers" (claim 1) or "releasable securing means in the

form of flexible loops” (claim 10). Holben’s patent claims actually teach away from the integrally formed connectors and pour spouts of applicants’ claim 17.

Dependent claim 20 further limits the invention of claim 19 by stating that applicants’ pour spout includes a shaft and a plurality of blades extending radially outward of the shaft, and that the shaft may be connected with an electric drill. The Office Action rejected claim 20 as unpatentable over Pool in view of Balson and Holben, and in further view of Stiffler U.S. 4,083,653. Stiffler discloses a stirring device employing a hub 11 supporting 5 radially extendable fins 22, 23, 24 compactly nested to enter a bung opening of a drum. The hub 11 is mounted on a shaft 12 connected to an electric drill 36 as shown in Fig. 6. Stiffler fails to disclose connectors or a stir paddle integrally formed with a pour spout as required in claims 17 and 19. The invention of claim 20 is allowable over Stiffler, considered in any valid combination with Pool, Balson, and Holben.

If the Examiner would like to suggest additional changes of a formal nature to place the application in better condition a telephone call to applicants’ undersigned attorney will be appreciated. Applicants request early notice of allowance of claims 1-3 and 5-21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn E. Klepac", written in a cursive style.

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